UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,540	04/11/2001	Franco Arcieri	B-4097PCT-61	5698

7590 06/25/2004	**EXAMINER**
Richard P Berg	NGUYEN, THANH T
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ART UNIT	PAPER NUMBER
2144	

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DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)	
Office Action Summary	09/762,540	ARCIERI ET AL.	
	Examiner	**Art Unit**	
	Tammy T Nguyen	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>(3)</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 April 2001</u>.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-8,10-12</u> is/are rejected.
7)☒ Claim(s) <u>4-12</u> is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>11 April 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>June 9, 2001</u>.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

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Detailed Office Action

1.   This action is in response to the application 09/762,540 filed. April 11, 2001.

2.   Claims 1-12 have been examined.

Claim Objections

3.   Claims 4-12 are objected to under 37 CFR 1.75(c) as being improper multiple

dependent claims. See MPEP § 608.01(n). Correction is required.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

   a.   A patent may not be obtained though the invention is not identically disclosed or described as
        set forth in section 102 of this title, if the differences between the subject matter sought to be
        patented and the prior art are such that the subject matter as a whole would have been obvious
        at the time the invention was made to a person having ordinary skill in the art to which said
        subject matter pertains. Patentability shall not be negatived by the manner in which the
        invention was made.

5.   Claims 1-8, 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kirit K. Talati., (hereinafter Talati) U.S. Patent No. 5,999,942 in view of

Dunn et al., (hereinafter Dunn) U.S. Patent No. 6,560,648.

6.   As to claim 1, Talati teaches the invention as claimed, including a network

access control device through in series deterministic recognition of application

frames satisfying a set of predetermined syntactical rules comprising: means

(205) for monitoring and interpretation of the application frames to recognize

(Fig.5 monitoring 24, and col.2, lines 50-55); means (201) for storing

predetermined syntactical rules (col.19, lines 50-55); mean (202) for

compiling the predetermined syntactical rules in a direct access data structure;

means (203) for storing said direct access data structure (col.14, lines 35-50);

and mean (204) for comparing the application frames to be recognized with

said direct access data structure (col.17, lines 50-60), whereby the recognition

can be performed on any frame component and the direct access data structure

allows an access time substantially independent from the number of rules,

characterized in that it further comprises forwarding means, for forwarding

the application frame when recognized (Fig.3, rule CSE, and col.16, line 65-

67). But Talati does not teach return-to-sender means, for returning of the

application frame when not recognized. However, Dunn teaches return-to-

sender when not recognized the application frame. It would have been obvious

to one of ordinary skill in the at the time of the invention was made to

combine the teachings of Talati and Dunn to have returning to sender when

not recognized the application frame because it would have an efficient

system that can provide specific functions that examines each coming

message and blocks or return those that do not meet the specified rule criteria.

7.   As to claim 2, Talati teaches the invention as claimed, wherein characterized

in that said compiling means (202) of the predetermined syntactical rules

comprise: conversion means, for converting the predetermined syntactical

rules in a set of basic sequences of numerical identifier; and compression

means, for compressing the set of sequences thus obtained in a direct access

data structure (col.14, lines 35-50).

8.   As to claim 3, Talati teaches the invention as claimed, wherein characterized

in return information related to the reason of the failed forwarding. (Fig.3, rule

CSE, and col.16, line 65-67). But Talati does not teach return-to-sender

means, for returning of the application frame when not recognized. However,

Dunn teaches return-to-sender when not recognized the application frame. It

would have been obvious to one of ordinary skill in the at the time of the

invention was made to combine the teachings of Talati and Dunn to have

returning to sender when not recognized the application frame because it

would have an efficient system that can provide specific functions that

examines each coming message and blocks or return those that do not meet

the specified rule criteria.

9.   As to claim 4, Talati teaches the invention as claimed, wherein characterized

in that the predetermined syntactical rules are stored as pairs of

<object>/<action> fields (col.16, lines 65-67).

10.   As to claim 5, Talati teaches the invention as claimed, wherein characterized

in that the predetermined syntactical rules are stored as pairs of <data

type>/<data value> fields (col.14, lines 35-50).

11.   As to claim 6, Talati teaches the invention as claimed, wherein characterized

in that the predetermined syntactical rules include one or more joker values

(col.16, line 65-67).

12.   As to claim 7, Talati teaches the invention as claimed, wherein characterized

in that the field <action> refers to the minimal set of commands

-Push

<value>

<variable>

<reading position>

<value at the reading position>

-pop

<variable>

<reading position>

<at the reading position>

-and

-mul

-add

-equal

-next

-F_send_all

-F_dynamic (see fig.4).

13.   As to claim 8, Talati teaches the invention as claimed, wherein characterized

in that the direct access data structure is represented through a matricial

structure comprising object fields and action fields (col.14, lines 35-50).

14.   As to claim 10, Talati teaches the invention as claimed, wherein characterized

in that said means for ordering said information frames according to a logical

criterion comprise means for reciprocally comparing the body portion of the

information frames (Fig.13).

15.   As to claim 11, Talati teaches the invention as claimed, wherein characterized

in that said means for ordering said information frames according to a logical

criterion comprise means for comparing each sequence of body portions of the

information frames with a set of predetermined sequences, said predetermined

sequences representing possible interpretations of the information frames,

sequences contained in the discrimination data storing unit 170, said

predetermined sequences being contained in said predetermined data storing

unit (18) (Fig,13, and col.14, lines 25-50).

16.   As to claim 12, Talati teaches the invention as claimed, wherein characterized

in that it is implemented using a board installed on the processor on which the

client applications operate (col.16, 65-67).

Allowable Subject Matter

17.   Claim 9 would be allowable if incorporated into independent claim 1.

18.   Claim 9 discloses sufficient detail of the invention system, as a whole, to

distinguish over the prior art of record.

Conclusion

19.   Any inquiries concerning this communication or earlier communications from

the examiner should be directed to **Tammy T. Nguyen** who may be reached via

telephone at **(703) 305-7982**. The examiner can normally be reached Monday through

Friday between 8:00 a.m. and 5:30 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this

instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner

by telephone are unsuccessful, the Examiner's Supervisor, Bill Cuchlinski, may be

reached at **(703) 308-3873**.

TTN
June 23, 2004

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